

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL ACTION NO. 3:19-CR-00035-KDB-DCK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**ROBERT MCCOY JR.,
MISTY MCCOY,**

Defendants.

ORDER

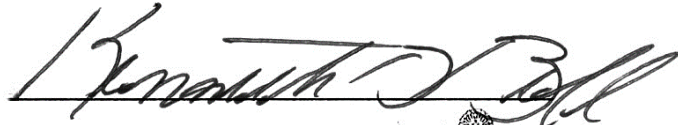
THIS MATTER is before the Court on the motion of the government to lift the stay previously issued based on the defendants' violation of pretrial diversion agreements, (Doc. No. 25), and Robert McCoy Jr.'s response in opposition, (Doc. No. 26).

The defendants entered pretrial diversion agreements requiring them, among other things, to comply with any order in the related bankruptcy case. (Doc. No. 25-1 at 3). The agreements provide that the United States Attorney may revoke pretrial diversion and initiate prosecution for the underlying criminal offense for any violation of the agreements. (*Id.* at 1). Robert McCoy Jr. argues that conduct prior to the signing of the agreement on May 23, 2019, could not constitute a violation. (Doc. No. 26: Response at 2). However, this Court, in the underlying bankruptcy case, found the defendants in violation of Court orders for filing "wholly inadequate" financial statements on October 20, 2019, and November 26, 2019, among other things. (Case No. 3:18-cv-630, Doc. No. 60: Show Cause Order at 8-9). Accordingly, the Court finds sufficient grounds to lift the stay in this matter.

IT IS, THEREFORE, ORDERED that the government's motion, (Doc. No. 25), is **GRANTED**, and the stay is lifted.

IT IS FURTHER ORDERED that the case as to Misty McCoy is **DISMISSED** without prejudice as abated by death.

Signed: February 6, 2020

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

